

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 441

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO TAXATION: AMENDING THE INCOME TAX ACT TO PROVIDE A DEDUCTION FOR ALL NET CAPITAL GAIN INCOME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-2-34 NMSA 1978 (being Laws 1999, Chapter 205, Section 1) is amended to read:

"7-2-34. DEDUCTION--NET CAPITAL GAIN INCOME. --

A. Except as provided in Subsection B of this section, a taxpayer may claim a deduction from net income in an amount equal to the taxpayer's net capital gain income for the taxable year for which the deduction is being claimed [~~but not to exceed one thousand dollars (\$1,000)~~]. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the deduction provided by this section that would have been

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 allowed on the joint return.

2 B. A taxpayer may not claim the deduction provided
3 in Subsection A of this section if the taxpayer has claimed the
4 credit provided in Section 7-2D-8.1 NMSA 1978.

5 C. As used in this section, "net capital gain"
6 means "net capital gain" as defined in Section 1222 (11) of the
7 Internal Revenue Code. "

8 Section 2. APPLICABILITY. --The provisions of this act
9 apply to taxable years beginning on or after January 1, 2003.